

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

KURBY DECKER

§

VS.

§

CIVIL ACTION NO. 6:22cv160

BRYAN COLLIER, ET AL.

§

ORDER

Before the Court is Plaintiff's motion for the appointment of counsel, (Dkt. #7), in this pending civil rights proceeding. Plaintiff maintains that his case involves complex legal issues, he has no assets, and that appearing for hearings will be difficult because he is "bed bound."

However, "[t]here is no automatic right to the appointment of counsel in a section 1983 case. A district court is not required to appoint counsel in the absence of 'exceptional circumstances' which are dependent on the type and complexity of the case and the abilities of the individual pursuing that case." *Cupit v. Jones*, 835 F.2d 82, 86 (5th Cir. 1987). This request for counsel does not allege sufficient facts from which this Court can determine that appointment of counsel, based on exceptional circumstances, is necessary at this time. The Court has determined that this case is not unduly complicated requiring the appointment of counsel at this stage. *See Robbins v. Maggio*, 750 F.2d 405 (5th Cir. 1985). Accordingly, it is

**ORDERED** that Plaintiff's motion for the appointment of counsel, (Dkt. #7), is **DENIED**—subject to reconsideration if it is later determined that counsel is necessary.

**So ORDERED and SIGNED this 18th day of May, 2022.**

  
JOHN D. LOVE  
UNITED STATES MAGISTRATE JUDGE